

**THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LINE CONSTRUCTION BENEFIT FUND,)	
A HEALTH AND WELFARE FUND,)	
)	
Plaintiff,)	
v.)	Case No. 07C 0950
)	
ALLIED ELECTRICAL CONTRACTORS, INC.,)	Judge Pallmeyer
A Tennessee Corporation,)	Mag. Judge Ashman
)	
Defendant.)	

**STATEMENT IN SUPPORT OF PLAINTIFF, LINE CONSTRUCTION BENEFIT FUND’S,
MOTION FOR SUMMARY JUDGMENT**

Plaintiff, LINE CONSTRUCTION BENEFIT FUND, A HEALTH AND WELFARE FUND (“Fund”) hereby submits its Statement of material facts as to which there is no genuine issue:

I. Parties

1. Plaintiff, LINE CONSTRUCTION BENEFIT FUND, A HEALTH AND WELFARE FUND (“Fund”) is a multiemployer welfare fund administered in accordance with the provisions of Section 302(c)(5) of the LMRA and ERISA, as amended.
2. Plaintiff receives contributions from numerous employers pursuant to collective bargaining agreements heretofore entered into between the IBEW, Local Union 474 (“Union”), various other unions, and employers.
3. Defendant, ALLIED ELECTRICAL CONTRACTORS, INC., A Tennessee Corporation Allied (“Allied”) is in the electrical contracting business. Its president is Michael Eskridge.

4. Allied has been a member of the National Electrical Contractors Association (“NECA”) since about November 2002.

II. Employer Contributions

5. A Collective Bargaining Agreement (“CBA”) between Southeastern Line Constructors Chapter of NECA and IBEW, Local Union 474, see Exhibit A, established the terms under which the Fund receives contributions pursuant to the provisions of a certain Restated Agreement and Declaration of Trust (“Trust Agreement”), see Exhibit B.
6. Defendant did not submit contribution reports and payments thereon to the Fund pursuant to the Collective Bargaining Agreement and Letter of Assent, see Exhibit C, Ex.1, for the months of July, August and December 2006, and January and February 2007.
7. The amount of payments not made by Defendant during this period in question, totals \$138,605.25.
8. In support of its arguments, the Fund submits its Memorandum in Support of its Motion for Summary Judgment.
9. The Fund has also attached the following exhibits in support of its Motion:

Exhibit A: Collective Bargaining Agreement
Exhibit B: Trust Agreement
Exhibit C: Deposition of Mr. Michael Eskridge

WHEREFORE, Plaintiff respectfully requests that this Court enter an Order granting Plaintiff's motion for summary judgment.

Respectfully submitted,

/s/ Robert B. Greenberg
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CERTIFICATE OF SERVICE

ROBERT B. GREENBERG, being duly sworn, says that he is an Attorney associated with Asher, Gittler, Greenfield & D'Alba, Ltd., Attorneys for Plaintiffs in this action, and that Service was accomplished pursuant to ECF as to Filing Users, and Counsel shall comply with LR 5.5 as to any party who is not a Filing User or represented by a Filing User.

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